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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,436	05/15/2001	Kim Norman Landeweer	MBHB01-630	9015

7590

08/11/2003

John J. McDonnell
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EXAMINER

CAIN, EDWARD J

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-11

Office Action Summary

Application No. 09/855,436	Applicant(s) Landwehr
Examiner Edward Cain	Group Art Unit 1714

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5/6/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 15, 20, 22 and 23 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 15 and 20 is/are rejected.
- ☒ Claim(s) 22 and 23 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 172(a)) _____

*Certified copies not received:

Attachment(s)

- | | |
|---|--|
| Information Disclosure Statement(s), PTO-1449, Paper No(s) _____ | Interview Summary, PTO-413 _____ |
| <input checked="" type="checkbox"/> Notice of Reference(s) Cited, PTO-892 _____ | Notice of Informal Patent Application, PTO-152 _____ |
| Notice of Draftsperson's Patent Drawing Review, PTO-948 _____ | Other _____ |

Office Action Summary

1. The amendment received May 6, 2003 has been made record.
Claims 15, 20, 22 and 23 are pending.
2. The rejection contained in the previous office action are withdrawn in view of applicant amendment.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
5. Claims 15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa discloses cleaning composition for contact lenses comprising dodecylbenzene sulfonate and disodium EDTA (see claim 1, 6 and 7).

Applicants recitation of a "suitable" use is seen as inherently meet by the compositions of the references.

6. Claims 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cain whose telephone number is 703-308-0042.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application is being processed are 703-

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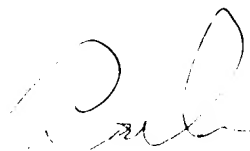
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872-9097 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

E. Cain/mn
July 29, 2003

A handwritten signature in dark ink, appearing to read "E. Cain", is written over the typed name and date.